

ANALYSIS

This ordinance amends Section 4.60.120 of Title 4 – Revenue and Finance of the Los Angeles County Code, to conform to revisions in State law relating to the administration of the Documentary Transfer Tax. The amendments to Section 4.60.120 include: (1) adding language pursuant to Revenue and Taxation Code section 11932 to require that a declaration of the amount of tax due appear on the face of the document submitted for recordation; (2) deleting the requirement that, upon request, the amount of Documentary Transfer Tax due be shown on a separate declaration affixed to the document submitted for recordation; and (3) deleting the requirement that, upon request, the incorporated or unincorporated location of the lands, tenements, or other realty described in the document submitted for recordation be shown on a separate paper affixed to the document. This ordinance further amends Section 4.60.120 to make the text of the section consistent with Revenue and Taxation Code section 11933 as to the payment of the Documentary Transfer Tax and the declaration requirements.

MARK J. SALADINO
County Counsel

By

LAURA T. JACOBSON
Senior Associate County Counsel
Government Services Division

LTJ:ck

03/05/15 (Requested)
03/25/15 (Revised)

ORDINANCE NO. 2015-0012

An ordinance amending Section 4.60.120 of Title 4 – Revenue and Finance of the Los Angeles County Code, relating to the administration of the Documentary Transfer Tax.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 4.60.120 is hereby amended to read as follows:

**4.60.120 Payment prerequisite to recordation—Declaration of amount
 and description of location.**

A. The ~~r~~Registrar-~~r~~Recorder shall not record any deed, instrument or writing subject to the tax imposed by pursuant to this chapter unless the tax is paid at the time of recording. A declaration of the amount of tax due, signed by the party determining the tax or his or her agent, shall appear on the face of the document in compliance with Revenue and Taxation Code section 11932, ~~or, if the party submitting the document for recordation so requests, on a separate paper which shall be fixed to the document after the permanent record is made and before the original is returned;~~ and the ~~r~~Registrar ~~r~~Recorder may rely on said declaration if ~~he~~ the Registrar-Recorder has no reason to believe that the full amount of the tax due has not been paid. The declaration shall include a statement that the consideration or value on which the tax due was computed either was, or was not, exclusive of the value of a lien or encumbrance remaining on the interest or property conveyed at the time of sale. Failure to collect the tax due shall not affect the constructive notice otherwise imparted by recording a deed, instrument, or writing. ~~No said declaration shall be sufficient unless it states whether or~~

~~not the value of any lien or encumbrance remaining at the time of sale on the interest or property conveyed was excluded in determining the consideration or value on which the tax due was computed. In declaring the consideration or value of leasehold interests, the stated or actual rental value and term shall be set forth on the document or separate paper.~~

B. Every document subject to tax under the provisions of this chapter ~~which~~ that is submitted for recordation shall show on the face of the document the incorporated or unincorporated, ~~or in a separate document,~~ the location of the lands, tenements or other realty described in the document. ~~If said lands, tenements or other realty are located within a city in the county, the name of the city shall be set forth. If said lands, tenements or other realty are located in the unincorporated area of the county, that fact shall be set forth.~~

[460120LJCC]

SECTION 2. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mike Antonovich

Mayor

ATTEST:

Patrick Ogawa

Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of May 19, 2015 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Hilda Solis
Mark Ridley-Thomas
Sheila Kuehl
Don Knabe
Michael D. Antonovich

Noes

Supervisors None

Effective Date: June 18, 2015

Operative Date:

Patrick Ogawa

Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

PATRICK OGAWA
Acting Executive Officer
Clerk of the Board of Supervisors

By *Antia*
Deputy



APPROVED AS TO FORM:
MARK J. SALADINO
County Counsel

By *Richard D. Weiss*
Richard D. Weiss
Chief Deputy County Counsel